

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1298 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ANIL RAMESHCHANDRA NARANG

Versus

ANITA ANIL NARANG

Appearance:

MR ASIM PANDYA for HL PATEL ADVOCATES for Petitioner
MR BS PATEL for Respondent

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 24/02/99

ORAL JUDGEMENT

Heard learned Counsel. Rule. Mr. B.S. Patel waives the service of Rule. In the facts and circumstances of this case, the matter is taken up for final hearing right today.

2. This is a revision application filed by the husband against the order dated 24th April 1998 passed by

the 6th Jt.Civil Judge, (Senior Division), Vadodara, whereby he has granted the maintenance pendente lite at the rate of Rs.2,000/- per month for the respondent wife and Rs.1,000/- per month for the son, namely, Vishal. The proceedings as initiated by the wife for restitution of conjugal rights are pending under Section 9 of the Hindu Marriage Act and the aforesaid order has been passed on an application under Section 24 of the Hindu Marriage Act, moved by the wife. The learned Civil Judge (Senior Division) has considered the material available on record and it appears that the petitioner possesses an agency in the name of Anil Agency and two shops and one godown at Petlad. Even if it is found that the petitioner has only one agency, the fact remains that the petitioner is an Income Tax payer and that he has only one agency, namely, Anil Agency, the order as has been passed by the learned Civil Judge (Senior Division) in the facts and circumstances of this case granting Rs.3,000/- per month as maintenance in all, i.e. Rs.2,000/- for the wife and Rs.1,000/- for the minor child cannot be said to be disproportionate or unreasonable. I do not find any error while exercising jurisdiction by the learned Civil Judge, (Senior Division) and I do not find that the impugned orders suffer from any such infirmity which warrants any interference by this Court. In entirety, the impugned order dated 24th April 1998 is just and proper and seeks to render substantial justice between the parties in granting the bare maintenance of Rs.3,000/- for the wife and the minor child. Learned Counsel Mr.B.S.Patel appearing on behalf of the respondent says that he has no objection and the consent is recorded that this amount of Rs.3,000/- in all as ordered by the Civil Judge (Senior Division), Vadodara, shall be inclusive of the monthly maintenance of Rs.500/- as has been ordered under Section 125 of the Code of Criminal Procedure, so long as this petition under Section 9 filed by the respondent wife is not decided. After the decision of the said petition, this condition of including Rs.500/- as granted by the Criminal Court shall cease to be operative and the consequences thereafter would follow as ordered by the Court under Section 125 of the Code of Criminal Procedure. The Revision Application is accordingly rejected. Rule is discharged. Ad-interim relief granted earlier shall automatically come to an end. No order as to costs.

sreeram.

